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DEPARTMENT OF ECOLOGY
OFFICE OF DIRECTOR



August 18, 2005

Mr. Jay Manning, Director
Washington State Department of Ecology
P O Box 47600
Olympia, WA 98504-7600

RE: Comments – Preliminary Draft NPDES Phase II Stormwater Permit

Dear Mr Manning:

The City of Kirkland has taken to heart the intent of the federal Clean Water Act and the NPDES Phase II rule and fully embraces the need to reduce pollutants present in the natural and constructed storm water environment to the maximum extent practicable.

With this in mind, we have prepared this correspondence to provide specific comments regarding the First Preliminary Draft – Proposed Municipal Stormwater NPDES General Permit for Western Washington Phase II Small Municipal Separate Stormwater Sewer Systems, Version 6 (NPDES Ph II Permit).

1. Relationship between NPDES Ph. II Permit Fees & Ecology Support Staff

The City is concerned that the significant permit fees associated with Ecology's issuance of an NPDES Ph II permit may not result in a corresponding commitment of Ecology staff for purposes of the review, evaluation and implementation of the NPDES Ph. II Permit process.

Specific concerns include:

Inability and/or failure to complete a thorough, substantive review of permit application submittals may encourage outside or "third-party" legal challenges to individual Phase II communities

Substantial inconsistencies in surface water management programs components between Phase II communities with similar populations, impairments to water quality, geographic areas and economic status that may also lead to outside or "third-party" legal challenges to individual Phase II communities.

2. Clarification of the screening requirements identified in the publication, "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments"

Section 3 Illicit Discharge Detection and Elimination, c.ii that states "Screening for illicit connections shall be conducted using: Illicit Discharge Detection and Elimination: A Guidance

Manual for Program Development and Technical Assessments, Center for Watershed Protection, October 2004, or an equivalent methodology.”

A general perusal of the content of the Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments (IDDE manual) indicates the IDDE manual is for more expansive in scope and nature than just providing a clear methodological approach to screening for illicit connections.

Similar to the Ecology manual, the IDDE manual implies the need or requirement to adopt a Local Illicit Discharge Ordinance that would provide authority for the Ecology directive that a community “shall” screen for illicit discharges per the IDDE manual.

The permit language would likely benefit by narrowing the focus of the screening criteria presented in the IDDE manual. The technical guidance provided in Chapter 11: The Outfall Reconnaissance Inventory (ORI) appears to be an excellent starting point for developing illicit discharge screening procedures. As such the permit language may be more palatable to Phase II communities, if the permit language were to focus on technical guidance directly relevant to the screening of illicit connections, e.g. ORI, rather than further mandating changes to each Phase II jurisdictions current water quality regulatory ordinances.

3. Support for the Association of Washington Cities (AWC) NPDES Phase II Stormwater Permit Monitoring Proposal

The City of Kirkland would also like to state our support for the approach to stormwater program monitoring presented in Attachment A - Proposed AWC NPDES Phase II Monitoring Condition, a supplement to the AWC correspondence titled: RE: NPDES Phase II Stormwater Permit – monitoring proposal previously forwarded to Mr. Jay Manning, Director, Washington State Department of Ecology.

The effort to clarify monitoring criteria through the process of designating and defining Compliance Monitoring, Effectiveness Monitoring and Adaptive Management process is a significant step forward towards effective implementation of the NPDES Phase II permit process.

The proposed monitoring process has recognized several potential evaluation measures to document success in achieving the goals identified in each specific program component.

In particular, the recommendation regarding water quality monitoring being specifically tied to an EPA-approved TMDL Clean-Up Plan is an appropriate suggestion to clarify the potentially onerous implications of initiating a water quality monitoring program.

4. Annual Reporting Format

It appears that this reporting format has not been fully developed at this time as the referenced Appendix 8 Stormwater Report Forms was not available when this correspondence has been drafted.

The proposed Compliance Monitoring approach appears to readily lend itself to the preparation and organization of a standardized reporting format for NPDES PH. II permit holders. With this in mind, it is our hope that Ecology will continue to work with the consortium of Phase II communities in developing a user-friendly reporting format.

The City of Kirkland would like to thank the Department of Ecology for the opportunity to provide comments.

If you have comments and/or questions regarding this correspondence, please feel free to contact Jenny Gaus, PE, Senior Storm Water Engineer at 425.587.3850 or via e-mail at jgaus@ci.kirkland.wa.us.

Sincerely,



Daryl Grigsby,
Public Works Director

Cc: Jenny Gaus, PE